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July 18, 2001

VIA HAND DELIVERY

Magalie R. Salas, Secretary
Federal Communications Commission
Portals II, Filing Center, TW-A325
Washington, D.C. 20554

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JUL 18 2001
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

**Re: MM Docket No. 91-352
FM Table of Allotments
(Ava, Branson and Mountain Grove MO)**

Dear Ms. Salas

Enclosed herewith for filing, on behalf of our client, Lake Broadcasting, Inc., are an original and four (4) copies of its Reply to Opposition to Petition for Reconsideration in the above-referenced matter.

Please direct all communications concerning this matter to the undersigned.

Very truly yours


Jerold L. Jacobs

Enc.

cc: As on Certificate of Service (w/enc.)

No. of Copies rec'd 0+4
List A B C D E

BEFORE THE

Federal Communications Commission

In the Matter of)
)
Amendment of Section 73.202(b),)
Table of Allotments,)
FM Broadcast Stations)
(Ava. Branson and)
Mountain Grove, Missouri))

MM Docket No. 91-352
RM-7866

RECEIVED
JUL 18 2001
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

REPLY TO OPPOSITON TO PETITION FOR RECONSIDERATION

Lake Broadcasting, Inc. ("Lake"), licensee of Station KBMX(FM), Eldon, Missouri, and permittee of Station KFXE-FM, Cuba, Missouri, by its attorneys, pursuant to Section 1.429 of the Commission's Rules, hereby replies to the July 3, 2001 "Opposition" of W.R.D. Entertainment, Inc. ("W.R.D."), applicant for a construction permit for a new FM station on Channel 293A at Horseshoe Bend, Arkansas (File No. BPH-19970404MO). For the reasons that follow, W.R.D.'s Opposition should be denied.

1. W.R.D. alleges (at ¶1) that it is adversely affected by Lake's Petition for Reconsideration because that Petition indirectly prevents the grant of W.R.D.'s pending new-station application and, therefore, delays the institution of a new radio service at Horseshoe Bend. According to W.R.D. (at ¶4), "Nothing Lake can say changes the fact that its authorizations have been revoked, and that revocation has become final". Thus, according to W.R.D. (*id.*), "Lake has no continuing license or construction permit which may be modified by the Commission". As Lake will now demonstrate, W.R.D. is wrong on all counts.

2. The Opposition fails to take account of the Commission's related "*Public Notice*" ("Permanent and Interim Application Procedures Announced for Authority to Operate Stations Formerly Licensed to Entities Controlled by Michael Rice"), DA 01-1441, released July 3, 2001. That *Public Notice* (at 2) grants Lake special temporary authorization ("STA") to continue its operation of Station KBMX(FM), Eldon, Missouri, for 90 days from the date of the *Public Notice*, or until 14 days after interim operators or permanent successor licensees have given notice that they are ready to commence operations, whichever occurs sooner. Moreover, and most importantly, the *Public Notice* (*id.*) states that: (a) minor change applications must continue to protect Lake's two sister AM facilities at Terre Haute, Indiana (WBOW and WBUZ), formerly licensed to Contemporary Media, Inc.; and (b) the Commission will accept interim proposals and new station proposals for permanent authority for those AM stations which specify "current operating parameters". In other words, the Commission is providing interference protection to Stations WBOW and WBUZ as if they were currently licensed stations and is waiving its AM technical rules in order to "grandfather" the stations' existing technical facilities.

3. Lake submits that these two significant technical leniencies are completely at odds with W.R.D.'s notion that Lake's stations have no operating status or technical "rights". These leniencies and the STA granted to all of Michael Rice's operating stations also demonstrate that the Commission has sufficient statutory and regulatory authority to waive or modify any of the policies or rules that might otherwise apply to the stations. Thus, as the *Public Notice* itself proves, it is premature for W.R.D. to proclaim that Lake has no authorizations that can be "modified" by the Commission.

4. Put differently, the *Public Notice* is silent about what special STA's or other leniencies may be applied to Lake's FM stations by future Commission Order. For instance, the Commission might decide that Lake's "rulemaking rights" in the subject MM Docket No. 91-352

proceeding "convey" to the new-station applications for the facilities of Stations KBMX(FM) and KFXE-FM that will be the subject of competitive bidding in future Auction No. 37.

5. Under these circumstances, Lake renews its claim that it was premature for the Commission's Mass Media Bureau ("Bureau") to have dismissed Lake's previous Petition for Reconsideration in this proceeding. The matters presented in that Petition for Reconsideration are not yet moot and may not ultimately become moot.

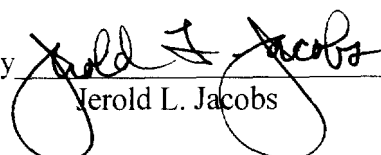
6. Accordingly, Lake respectfully requests that the Bureau should withhold any dismissal action and should hold this matter in abeyance, pending the Commission's ultimate resolution of the proceedings for interim authorization and permanent authorization of Lake's stations, announced in the *Public Notice* and subsequent Commission Orders.

WHEREFORE, in view of the foregoing, Lake respectfully asks the Mass Media Bureau to set aside the *Memorandum Opinion and Order*, DA 01-1017, released April 20, 2001, in this proceeding, reinstate Lake's Petition for Reconsideration, and hold the matter in abeyance pending the outcome of further proceedings before the Commission pertaining to Mr. Rice's stations and construction permits, including Stations KBMX(FM) and KFXE-FM, as specified in the *Public Notice*.

Respectfully submitted,

LAKE BROADCASTING, INC.

By

A handwritten signature in black ink, appearing to read "Verold L. Jacobs", is written over a horizontal line. The signature is stylized with loops and a large "V" at the beginning.

Verold L. Jacobs

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Its Attorneys

Dated: July 18, 2001

CERTIFICATE OF SERVICE

I, Maryam B. Jeffrey, hereby certify that I have mailed, first class postage prepaid, or have caused to be hand-delivered, on this 18th day of July 2001, a copy of the attached REPLY TO OPPOSITION TO PETITION FOR RECONSIDERATION to the following:

John A. Karousos, Chief (**Hand Delivery**)
Allocations Branch
Policy and Rules Division
Mass Media Bureau, Room 3-A266
Federal Communications Commission
Washington, DC 20554

Ms. Kathleen Scheuerle (**Hand Delivery**)
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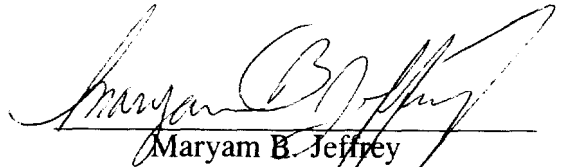
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Maryam B. Jeffrey